

**ORDINANCE NO. 2381**

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT DECLARING THE DOCUMENT ENTITLED THE “2012 AMENDMENTS TO THE CODE OF GILBERT, CHAPTER 15 SPECIAL EVENTS RELATED TO THE DUTIES OF TE PARKS AND RECREATION DIRECTOR” AS A PUBLIC RECORD; AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 15 SPECIAL EVENTS, ARTICLE 1 DEFINITIONS, BY AMENDING SECTION 15-1 DEFINITIONS, SECTION 15-2 ADMINISTRATION, SECTION 15-3 VIOLATION OF CHAPTER; AMENDING ARTICLE II PERMITS, BY AMENDING SECTION 15-37 APPLICATION AND FEE, SECTION 15-39 ISSUANCE OF PERMIT, SECTION 15-40 PROHIBITED SPECIAL EVENT CONDUCT; REVOCATION, SECTION 15-41 MISTAKE; COLLECTION OF CORRECT AMOUNT, SECTION 15-42 RIGHT OF ENTRY, 15-43 DISPLAY; IDENTIFICATION; PERMISSION OF PROPERTY OWNER; EXHIBITION UPON DEMAND; SECTION 15-45 DENIAL, MODIFICATION, REVOCATION, OR SUSPENSION; APPEAL TO TOWN MANAGER; AND SECTION 15-46 APPEAL TO TOWN COUNCIL; AMENDING ARTICLE III REQUIREMENTS BY AMENDING SECTION 15-50 GENERAL REQUIREMENTS; SECTION 15-52 SPECIAL PROVISIONS RELATED TO PARADES AND PUBLIC ASSEMBLIES, TO TRANSFER THE DUTY TO ISSUE SPECIAL EVENTS PERMITS TOTHE PARKS AND RECREATION DIRECTOR; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I.     In General.

The Code of Gilbert, Chapter 46 Parks and Recreation, is hereby amended by repealing Article V Town Special Events in its entirety.

That certain document known as the “2012 Amendments to the Code of Gilbert, Chapter 15 Special Events Related to Duties of the Parks and Recreation Director” three copies of which shall remain on file in the office of the Town Clerk, is hereby declared to be a public record.

The Code of Gilbert shall be amended by adopting by reference that public record entitled the "2012 Amendments to the Code of Gilbert, Chapter 15 Special Events," which document is hereby adopted and incorporated by reference.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

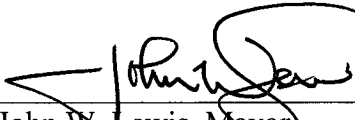
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 16<sup>th</sup> day of August 2012, by the following vote:

AYES: Cook, Cooper, Daniels, Lewis, Petersen, Ray, Sentz

NAYES: None ABSENT: None

EXCUSED: None ABSTAINED: None

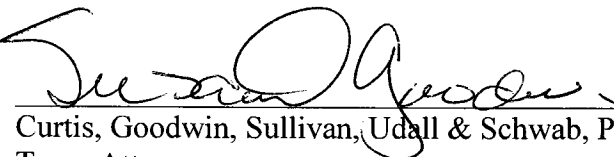
APPROVED this 16<sup>th</sup> day of August 2012.

  
\_\_\_\_\_  
John W. Lewis, Mayor

ATTEST:

  
\_\_\_\_\_  
Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.  
Town Attorneys  
By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2381 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 16<sup>th</sup> DAY OF AUGUST 2012, WAS POSTED IN FOUR PLACES ON THE 23 DAY OF August, 2012.

  
Catherine A. Templeton, Town Clerk

**2012 AMENDMENTS TO CODE OF GILBERT CHAPTER 15 SPECIAL  
EVENTS RELATED TO DUTIES OF THE PARKS AND RECREATION  
DIRECTOR**

**ARTICLE I GENERAL**

**Sec. 15-2. - Administration.**

- (a) The ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall uniformly administer the provisions of this chapter and consider each special event permit application upon its merits and shall not discriminate in granting, denying, modifying, revoking, or suspending permits based upon political, religious, ethnic, racial, disability, sexual orientation, or gender related grounds.

**Sec. 15-3. - Violation of chapter.**

\* \* \*

- (b) The ~~development services manager~~ PARKS AND RECREATION DIRECTOR, the code compliance manager, and the town prosecutor may cause complaints to be filed against persons violating any of the provisions of this chapter.
- (c) The clerk of the court shall report to the ~~development services manager~~ PARKS AND RECREATION DIRECTOR all convictions or violations of this section. The ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall maintain a record for each permit issued and record the reports of violations therein.

\* \* \*

**Sec. 15-37. - Application and fee.**

- (a) All special event permit applications shall be submitted to the ~~development services manager~~ PARKS AND RECREATION DIRECTOR. The ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall determine whether a special event permit is required. Except as provided in section 15-52 (Parades and public assemblies), an applicant for a special event permit shall submit such application at least 30 days prior to the proposed first day of the special event.
- (b) Every applicant for a special event permit shall:

\* \* \*

- (2) Complete and submit a special event permit application in a form provided by the ~~development services manager~~ PARKS AND RECREATION DIRECTOR.
- (c) The ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall forward the application to the code compliance manager and other appropriate town departments for review and approval. The application shall be approved or denied within 15 days from the date it is received by the ~~development services manager~~ PARKS AND RECREATION DIRECTOR.

\* \* \*

**Sec. 15-39. - Issuance of permit.**

- (a) The ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:
  - (1) The town manager;
  - (2) The town clerk;
  - (3) The fire chief;
  - (4) The director of the department of public works; and
  - (5) The police chief.
- (b) Immediately upon the issuance of a special event permit, the ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall send a copy thereof to the following:
  - (1) The town manager;
  - (2) The town clerk;
  - (3) The fire chief;
  - (4) The director of the department of public works; and
  - (5) The police chief.
- (c) Each permit shall state the following information:

\* \* \*

- (4) Such other information as the PARKS AND RECREATION DIRECTOR shall find necessary to the enforcement of this chapter.

\* \* \*

**Sec. 15-40. - Prohibited special event conduct; revocation.**

\* \* \*

- (b) The ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall have the authority to revoke a special event permit instantly upon violation of the conditions or standards for issuance as set forth in this section or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an immediate and adverse effect upon the welfare and safety of persons or property.

**Sec. 15-41. – Mistake; collection of correct amount.**

In no case shall any mistake made by the ~~development services manager~~ PARKS AND RECREATION DIRECTOR in stating, fixing, or collecting the amount of any special event permit fee prevent or prejudice the town from collecting the correct amount due as provided in this chapter.

**Sec. 15-42. – Right of entry.**

The code compliance manager, police officers, and ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall have and exercise the power to enter, free of charge, during the special event and to demand the exhibition of the special event permit from any person conducting the special event. Denial of the right of entry by any person conducting a special event as required under this chapter shall be a civil violation.

**Sec. 15-43. – Display; identification; permission of property owner; exhibition upon demand.**

\* \* \*

- (b) Every person having a special event under the provisions of this chapter shall produce and exhibit such permit, and, where applicable, written permission to conduct the event at the location or personal identification, whenever requested to do so by the ~~development services manager~~ PARKS AND

RECREATION DIRECTOR, any police officer, or the code compliance manager.

\* \* \*

**Sec. 15-45. - Denial, modification, revocation, or suspension; appeal to town manager.**

- (a) A special event permit application may be denied or a special event permit may be modified, suspended, or revoked by the ~~development services manager~~ PARKS AND RECREATION DIRECTOR for any of the following causes:

\* \* \*

- (b) The ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall promptly notify the applicant or permittee in writing that the application has been denied or the permit has been modified, revoked, or suspended. The letter shall be personally delivered or mailed certified and shall specify the grounds or reasons for the denial, modification, revocation, or suspension.
- (c) The applicant or permittee or any other aggrieved person may appeal the denial of the application or modification, revocation, or suspension of the permit to the town manager by filing a written statement fully describing the grounds for the appeal with the town clerk within five business days of the date of the ~~development services manager~~ PARKS AND RECREATION DIRECTOR's letter.

\* \* \*

**Sec. 15-46. - Appeal to town council.**

- (a) Any person aggrieved by a decision of the town manager affirming, modifying, or reversing the ~~development services manager~~ PARKS AND RECREATION DIRECTOR's denial of a special event permit application or modification, suspension, or revocation of a special event permit shall have the right to appeal to the town council. The appeal shall be filed with the clerk no later than five business days from the date of the town manager's decision and shall consist of a written statement fully describing the grounds for appeal.

\* \* \*

- (d) Any non-renewed or revoked permit shall be surrendered to the ~~development services manager~~ PARKS AND RECREATION DIRECTOR on demand at the expiration of the appeals process.

## **ARTICLE III REQUIREMENTS**

### **Sec. 15-50. - General requirements.**

\* \* \*

- (e) Where a street closure is approved, written notice shall be given to neighborhoods identified by the ~~development services manager~~ PARKS AND RECREATION DIRECTOR by delivery at least five days prior to the street closure. A road closure permit shall be obtained from the public works department.

\* \* \*

- (g) The ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall consult with the chief of police to determine whether and to what extent additional police protection will be reasonably necessary for the special event for traffic control and public safety. This decision shall be based on the size, location, duration, time, and date of the special event; the expected sale or service of alcoholic beverages; the number of streets and intersections blocked; and the need to detour or preempt citizen travel and use of the streets and sidewalks. Off-duty Gilbert police officers shall be used for all special events requiring traffic control on public roadways due to the special event and/or taking place on town property. The chief of police may request assistance of other law enforcement agencies if staffing requirements exceed the capacity of the Gilbert Police Department. The applicant shall have the duty to secure the police protection deemed necessary by the chief of police at the sole expense of the applicant.

\* \* \*

### **Sec. 15-52. - Special provisions related to parades and public assemblies.**



- (a) No person shall engage in or conduct any parade or public assembly unless a special event permit is issued by the ~~development services manager~~ PARKS AND RECREATION DIRECTOR.

\* \* \*

- (c) For single, non-recurring parades or public assemblies, an application for a permit shall be filed with the ~~development services manager~~ PARKS AND RECREATION DIRECTOR at least ten and not more than 180 days before the parade or public assembly is proposed to commence. The ~~development services manager~~ PARKS AND RECREATION DIRECTOR may waive the minimum ten-day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place, and nature of the parade or public assembly, the anticipated number of participants, and the town services required in connection with the event, the ~~development services manager~~ PARKS AND RECREATION DIRECTOR determines the waiver will not present a hazard to public safety.
- (d) For parades or public assemblies held on a regular or recurring basis at the same location, an application for a permit covering all such parades or assemblies during that calendar year may be filed with the development services manager at least 60 and not more than 180 days before the date and time at which the first such parade or public assembly is proposed to commence. The ~~development services manager~~ PARKS AND RECREATION DIRECTOR may waive the minimum 60-day period after due consideration of the factors specified in subsection (c) above.

\* \* \*

- (g) The ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

\* \* \*

- (h) The ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall act promptly upon a timely filed application for a parade or public assembly permit but in no event shall grant or deny a permit less than 48 hours prior to the event. If the ~~development services manager~~ PARKS AND RECREATION DIRECTOR disapproves the application, he shall notify

the applicant either by personal delivery or certified mail at least 48 hours prior to the event of his action and state the reasons for denial.

- (i) The ~~development services manager~~ PARKS AND RECREATION DIRECTOR, in denying an application for a parade or public assembly permit, may authorize the conduct of the parade or public assembly at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the ~~development services manager~~ PARKS AND RECREATION DIRECTOR, file a written notice of acceptance with the ~~development services manager~~ PARKS AND RECREATION DIRECTOR. An alternate parade or public assembly permit shall conform to the requirements of, and shall have the effect of, a permit issued under this section.
- (j) Any applicant shall have the right to appeal the denial of a parade or public assembly permit to the town council. The denied applicant shall make the appeal within five days after receipt of the denial by filing a written notice with the ~~development services manager~~ PARKS AND RECREATION DIRECTOR and a copy of the notice with the town clerk. The town council shall act upon the appeal at its next scheduled meeting following receipt of the notice of appeal. In the event that the town council rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.
- (k) Immediately upon the issuance of a parade or public assembly permit, the ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall send a copy thereof to the following:
  - (1) Town manager;
  - (2) The town clerk;
  - (3) The fire chief;
  - (4) The chief of police;
  - (5) The director of the department of public works;
  - (6) The postmaster; and

(7) The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade or public assembly.

(l) Each permit shall state the following information:

\* \* \*

(7) Such other information as the ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall find necessary to the enforcement of this section.

\* \* \*

(o) The public shall conduct itself as follows:

\* \* \*

(3) The ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a parade or public assembly. The ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section.

(p) The ~~development services manager~~ PARKS AND RECREATION DIRECTOR shall have the authority to revoke a parade or public assembly permit instantly upon violation of the conditions or standards for issuance as set forth in this section or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons or property.